

# LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of August 1, 2013

The regular meeting of the Second Injury Board convened at 2:03 p.m.

The following were present:

1. Mr. Charles Hansberry, representing Commission of Insurance, Chairman
2. Ms. Lynette Mack, representing State Treasurer
3. Mr. Steve Hawkland, representing Secretary of State
4. Pauline Williams, SIB Director
5. Michelle Sumrall, Compliance Supervisor
6. Meridith Trahan, General Counsel
7. Karl Scott, General Counsel
8. Lakisha Johnson, Compliance Officer
9. Steven Glusman, Representing Employer & Carrier for Hearing on SIF Claim #03-0737
10. Chris Anthony, LRS Presentation
11. John Schweitzer, LRS Presentation
12. Amy Cutrer, Recording Secretary

Mr. Hansberry, Chairman, called the meeting to order and began with Item 1 on the agenda, being the reading of the minutes from the previous meeting. Ms. Mack moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to Item 2 on the agenda, being hearings on pending claims on the August 1, 2013 agenda.

Hearing #1 Claim #03-0737; Employer: Rayne Rice Drier & Warehouse Co., Inc. and Carrier: Bridgefield Casualty. Steve Glusman, representing employer and carrier, requested that the board accept a settlement agreement allowing the carrier to reimburse half of previously agreed settlement amount to family of claimant, as claimant passed away the same day that the settlement judgment was being signed. Board will discuss in executive session and the decision issued in writing.

Hearing #2 Claim #11-0362; Employer: Progressive Corp. and Carrier: Travelers Casualty Ins. Co. of America. No one was present to represent carrier. Ms. Michelle Sumrall, SIB Program Compliance Officer Supervisor, recommended that the claim be denied. Mr. Hawkland made a motion to accept the recommendation that the claim be denied. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to amend the agenda to move to Item 9a and hear the LRS Presentation. The presentation, made by Chris Anthony and John Schweitzer, included a request for the SIF to donate 1% of the appropriated budget to LRS. Mr. Hawkland moved to approve the 1% donation with half being paid at the beginning of the fiscal year and the other half being paid at the midpoint of the fiscal year. The motion was seconded by Ms. Mack and passed unanimously. A copy of the presentation is attached to the minutes.

The Chairman moved to Item 3 on the agenda, being the recommendation of Ms. Williams to approve reimbursement on the following (13) claims; beginning with Claim #11-0699 and ending with Claim #13-0132.

1. LAC-SIF	11-0699	104 wk deduct
2. Louisiana Municipal Risk Management Agency	12-0032	104 wk deduct
3. LUBA Casualty Insurance Company	12-0217	104 wk deduct
4. Louisiana Auto Dealers Association	12-0318	104 wk deduct
5. Lafayette General Medical Center	12-0426	104 wk deduct
6. Louisiana Restaurant Association	12-0590	104 wk deduct
7. LAC-SIF	12-0874	104 wk deduct
8. Monroe City School Board	12-0939	104 wk deduct
9. Louisiana Workers' Compensation Corporation	13-0011	104 wk deduct
10. LUBA Casualty Insurance Company	13-0033	104 wk deduct
11. Parish Government Risk Management Agency	13-0125	104 wk deduct
12. Recreation & Park Commission of East Baton Rouge	13-0126	104 wk deduct
13. LUBA Casualty Insurance Company	13-0132	104 wk deduct

Ms. Mack moved to accept the recommendation of the Director and approve reimbursement of these claims. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to Item 4 on the agenda, being the recommendation of the Director to deny reimbursement for the following (62) claims; beginning with Claim #11-0835 and ending with Claim #13-0455; excluding 12-0217 which was removed and 12-0891 which was postponed.

Motion made by Mr. Hawkland to expand the agenda to include item 61 (12-1001) & item 62 (12-1040). The motion was seconded by Ms. Mack and passed unanimously.

1. Louisiana Office of Risk Management	11-0835	
<del>2. LUBA Casualty Insurance Company</del>	<del>12-0217</del>	<b>REMOVE</b>
3. Louisiana Restaurant Association	12-0287	
4. Louisiana Commerce & Trade Association	12-0290	
5. Argonaut Insurance Group	12-0366	
6. Louisiana Health Care SIF	12-0388	
7. Liberty Mutual Insurance Company	12-0444	

8. Travelers Casualty Insurance Company of America	12-0457	
9. Louisiana Municipal Risk Management Agency	12-0502	
10. LWCC	12-0514	
11. Saia Motor Freight Line	12-0661	
12. LWCC	12-0667	
13. Louisiana Workers' Compensation Corporation	12-0693	
14. Louisiana Office of Risk Management	12-0732	
15. Recreation & Park Commission of East Baton Rouge	12-0734	
16. Winn Dixie Louisiana, Inc.	12-0786	
17. Lake Charles Memorial Hospital	12-0801	
<del>18. Bridgefield Casualty Insurance Company</del>	<del>12-0891</del>	<b>POSTPONED</b>
19. Louisiana Workers' Compensation Corporation	12-0918	
20. American Interstate Insurance Company	12-0930	
21. No Carrier Info.	12-0975	
22. No Carrier Info.	12-0984	
23. Star Insurance Company	12-0988	
24. Indemnity Insurance Company of North America	12-0990	
25. Fidelity & Guaranty Underwriters	12-0993	
26. New Hampshire Insurance Company	12-0996	
27. City of Shreveport	12-1010	
28. No Carrier Info.	12-1013	
29. Iberia Parish School Board	12-1016	
30. Louisiana Restaurant Association	12-1024	
31. Lafourche Parish Government	12-1031	
32. LUBA Casualty Insurance Company	12-1046	
33. Zurich American Insurance Company	12-1050	
34. LUBA Casualty Insurance Company	12-1059	
35. Louisiana Workers' Compensation Corporation	12-1071	
36. No Carrier Info.	12-1074	
37. Illinois National Insurance Company	12-1077	
38. Louisiana Restaurant Association	13-0008	
39. LEMIC Insurance Company	13-0016	
40. Louisiana Construction & Industry - Sif	13-0037	
41. Louisiana Commerce & Trade Association	13-0046	
42. Terrebonne General Medical Center	13-0051	
43. New Hampshire Insurance Company	13-0052	
44. Ins. Co. of the State of PA	13-0058	
45. LWCC	13-0061	
46. N/A	13-0064	
47. Louisiana Safety Association of Timbermen	13-0095	
48. Jefferson Parish	13-0096	
49. LEMIC Insurance Company	13-0142	
50. Bridgefield Casualty Insurance Company	13-0150	
51. Bridgefield Casualty Insurance Company	13-0150	

52. LWCC	13-0151
53. Autozone, Inc.	13-0164
54. LEMIC Insurance Company	13-0192
55. Louisiana Municipal Risk Management Agency	13-0225
56. New Hampshire Insurance Company	13-0240
57. New Hampshire Insurance Company	13-0241
58. New Hampshire Insurance Company	13-0244
59. Louisiana Municipal Risk Management Agency	13-0433
60. American Insurance Company	13-0455

**AMEND TO INCLUDE....**

61. City of New Orleans	12-1001
62. LUBA Casualty Insurance Company	12-1040

Mr. Hawkland moved to accept the recommendation of the Director to deny these claims. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to Item 5 on the agenda, being the recommendation of the Director to approve reimbursement of (174) partial payments beginning with Claim #77-0304 and ending with Claim #11-0784. Ms. Mack moved to accept the recommendation of the Director and approve reimbursement of the partial payments as submitted on the agenda of August 1, 2013. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to Item 6 on the agenda, being the recommendation of the Director to approve (71) quarterly payments due beginning with Claim #85-0470 and ending with Claim #11-0464. Mr. Hawkland moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of August 1, 2013. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to Item 7 on the agenda, being public comment. There being no one present from the public, the Chairman moved to go into Executive Session to discuss Second Injury Board litigations and settlements. Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

Upon returning from Executive Session, the Chairman moved to Item 8a of the agenda, being settlement recommendations. The Chairman made a motion to extend settlement authority as discussed in Executive Session and approve (17) settlements to be paid on a quarterly basis, as recommended by the Director. Claim #06-0675 is for \$100,000 settlement of indemnity benefits only.

1. 88-0220
2. 99-0623
3. 02-0438
4. 02-0588
5. 04-0775
6. 06-0171
7. 06-0675 - Indemnity Only
8. 07-0479
9. 08-0030
10. 08-0296
11. 10-0454
12. 10-0510
13. 10-0649
14. 10-0933
15. 11-0027
16. 11-0522
17. 11-0756

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The following claims were recommended to be denied for settlement authorization and be paid on an on-going basis:

1. 94-0137
2. 10-0417
3. 10-0782
4. 12-0399

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to Item 8b of the agenda, being Second Injury Board litigation. The Chairman made a move to grant Council authority to proceed on the following claims as discussed in Executive Session:

1. Claim #04-0492; recommended by General Council for settlement authority.
2. Claim #12-0065; recommended by General Council for settlement authority.
3. Claim #11-0806; recommended by General Council for settlement authority.
4. Claim #12-0428; recommended by General Council for settlement authority.
5. Claim #10-1016; recommended by General Council for settlement authority.
6. Claim #10-0662; recommended by General Council to continue litigation.
7. Claim #11-0273; recommended by General Council to continue litigation.
8. Claim #11-0088; recommended by General Council for settlement authority.

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hawkland and passed unanimously.

Minutes (cont'd)

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At this time, the Chairman recommended that the decision for Claim 03-0737, Hearing #1, be voted on. Mr. Hawkland made a motion that the board approve the settlement agreement for half of the previous amended settlement amount (\$13,000 +) and the motion was seconded by Ms. Mack. Recommendation Adopted.

The Chairman moved to Item 9 of the agenda, being any other matters requiring attention.

- a. LRS Presentation - agenda amended to hear presentation prior to Item 3
- b. USF&G Settlement Installment – Pauline Williams, SIB Director requested that the board approve the 3<sup>rd</sup> installment payment of 4 be issued.

Mr. Hawkland moved to approve the USF&G 3<sup>rd</sup> installment payment. The motion was seconded by Ms. Mack and passed unanimously.

There being no further business to discuss, the Chairman moved to adjourn. Ms. Mack moved to accept the chairman's recommendation. The motion was seconded by Mr. Hawkland and passed unanimously.

The meeting was adjourned at 3:03 p.m.

Recording Secretary: Amy Cutrer